

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 871  
Tuesday, August 26, 2003, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Dunham, Vice Chair  
Stephens  
Perkins  
White, Chair

**MEMBERS  
ABSENT**

Turnbo

**STAFF  
PRESENT**

Stump  
Butler

**OTHERS  
PRESENT**

Romig, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Friday, August 22, 2003, at 9:13 a.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

After declaring a quorum present, Chair, White called the meeting to order at 1:00 p.m.

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Mr. Jay Stump read the rules and procedures for the Board of Adjustment Public Hearing.

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**Mr. Dunham arrived at 1:05 p.m.**

**MINUTES**

On **MOTION** of Stephens, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** the Minutes of August 12, 2003 (No. 870).

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**UNFINISHED BUSINESS**

**Case No. 19630**

**Action Requested:**

Variance to allow a two-story accessory building 30'6" high in required rear yard. SECTION 210.B.5.a. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS; and Variance of the 20% required rear yard coverage to 26.6%. SECTION 210.B.5.a. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS, located 2138 E. 30<sup>th</sup> Pl. S.



**Presentation:**

**Jody Cole**, 2915 W. 61<sup>st</sup> Pl., stated he represented Tom Stone, the owner of the subject property. The existing lot is non-conforming with a 50' x 140' structure. They propose to build a garage and master suite addition that would encroach on the 20' rear yard setback. A site plan was provided (Exhibit B-1).

**Comments and Questions:**

Mr. White noted it would be two-story.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of the required setback from rear (east side) to 10'0" for new addition, per plan, finding the hardship to be it is a non-conforming lot; it would be difficult to make an addition to this property; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lots 47 & 48, Block 3, Rosemont Heights Subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

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**NEW APPLICATIONS**

**Case No. 19654**

**Action Requested:**

Variance of lot width from the required 60' to 53.82' to permit a Lot- split #19573 in an RS-3 district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, – Use Unit 6, located 1612 S. Atlanta Ave.

**Presentation:**

**Dane Lydle**, 2651 E. 51<sup>st</sup> St. Ste. 100, stated he represented the applicant. They proposed to meet the adjacent lot split easements required per the plans he submitted. It will allow for the five-foot easements on either side of the existing home and the setbacks on the front of the existing home and any new construction.

**Interested Parties:**

**Susan Hagar**, 1612 S. Atlanta Ave., stated she is the owner of the subject property. She was in support of the application.

**Robert Bazhaw**, 1710 S. Atlanta Ave., stated he represented twenty neighbors who signed a petition in opposition. They are concerned about how more





Lot 11, Block 10, East Lawn Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19657**

**Action Requested:**

Variance of the required parking spaces from 9 to 0. SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements, located 5522 S. Lewis.

**Presentation:**

**William Campbell**, 9951 E. 79<sup>th</sup> E. Ave., stated at the time he made application he requested a variance of eight parking spaces, and INCOG was under the impression there were two available spaces for his use. Since then they discovered the spaces were not available, and that he really required nine spaces.

**Comments and Questions:**

Mr. Stump explained the history on this case to the Board. The parking is in common areas and available to everyone. It has proved to have adequate parking.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of the required parking spaces from 9 to 0, with condition that the building and use not require more than nine parking spaces, finding this is part of a PUD and there are ample parking spaces, on the following described property:

Lot 5, Block 1, Pecan Tree Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19658**

**Action Requested:**

Variance to allow two dwelling units per lot of record. SECTION 205. NUMBER OF DWELLING UNITS ON A LOT – Use Unit 6; a Variance of the required land area per dwelling unit. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of livability space. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of rear yard from 20' to 4'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of front yard from 25' to 22'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of side yard from 5' to 3'. SECTION

403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 102 S. College.

**Presentation:**

**Stanley Barnett**, 3803 S. 28<sup>th</sup> E. Ave., stated he purchased the property in 1997 through HUD. At the time of purchase they did not know that permits were never obtained for two dwellings on one lot of record for this property. He stated he is in agreement with the zoning code and wants to bring the property into compliance. He submitted photographs (Exhibit E-1).

**Comments and Questions:**

Mr. Dunham noticed the garage was converted to an additional dwelling unit. Mr. Barnett replied that was done before he purchased it. He added that they cleaned it up. Mr. Dunham stated when the garage was converted the first time it was in violation of the code. Mr. White asked if the variances were all for the existing structure and nothing proposed. Mr. Barnett agreed.

**Interested Parties:**

**Art Barber**, 103 S. College, stated the applicant fixed the house up nice. The applicant told him that he and his wife were going to retire and live there and the garage would be used as a game room. The sewer is not to code. He indicated the garage is too small for more than one person. At the time of the application there were ten adults and three children living in the garage. He stated that cars park on shale rock between the house and garage. He has observed guests at the house urinating at a tree next to the garage.

**Maria Barnes**, 2252 E. 7<sup>th</sup> St., stated the Kendall-Whittier Neighborhood Association is opposed to the application. They desire only single-family dwellings in the neighborhood.

**Captola Thomas**, for Alice Wiser, 139 S. College, stated opposition to the application for a lot split or multi-family use on this lot.

**Lois Barnett**, 3803 S. 28<sup>th</sup> W. Ave., stated she is co-owner with Stanley Barnett of the subject property. They have not retired yet. They were not aware the tenants were disturbing the neighbors. In the past they would pick up the rent after the renter called and the place was always clean. After they received the notice of complaints they went unannounced and were surprised to see trash and a lot of people in the yard. She added they gave them notice of possible eviction because of the problems. They wanted to be good neighbors, keep their property up, and clear up any problems there.

**Comments and Questions:**

Mr. Stevens asked the size of the garage apartment. She replied that it is 24' x 24', including one bedroom, one kitchen, one bath and a living room.









**Cheryl Holz**, 1502 S. Carson Ave., stated she spoke with the two businesses west of the subject property. Mr. Herman Raos gave her permission to tell the Board he witnessed people cleaning out the garage on the subject property and they threw trash and two couches onto the property of Steve and Scott Helm. She talked with Mr. Steve Helm and he told her that he had to pay someone to haul the trash and furniture away. He also stated no one asked permission to use his parking but the bail bonds people use it. She expressed concern for her children's safety because of the customers of the bail bonds businesses.

**Applicant's Rebuttal:**

Mr. Regan indicated the neighbors could have tried to work these things out a long time ago. He lives close by and checks on the property. He submitted some photographs (Exhibit G-3). Ms. Perkins asked how long the bail bonds have been run in this house, to which he replied about six months. He added there was one bail bonds business there almost two years ago. There have been two attempts to use the property as residential but it was a problem for the tenants because of all the traffic for commercial use around it. He stated it was his understanding that the parking problem with the attorney's office was cleared up a long time ago. He informed the Board he has invested a lot in the property, and takes care of it. He expressed his interest in the neighborhood and does what he thinks is best for it. Mr. Regan indicated that he hired a contractor for his parking lot to make sure the water drainage would flow properly.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to permit an office in an RM-2 district, with the following conditions: the days and hours of operation be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 12:00 p.m. on Saturdays; and that bail bond business not be permitted on this property described as:

Lot 6, Block 3, Stonebraker Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19661**

**Action Requested:**

Special Exception to allow Use Unit 16, mini-storage, in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16, located 3184 S. Mingo.

**Presentation:**

**John Christ**, 3184 S. Mingo, proposed to improve the property; build a mini-storage with similar exterior to the existing structure; and plant trees to enhance the park-like appearance like the property across the street. There would be no

outside storage visible from the neighborhoods. A site plan was provided (Exhibit H-1).

**Comments and Questions:**

Ms. Perkins asked if there would be cars or boats parked there. Mr. Christ replied that everything would be stored inside. The storage spaces would be too small for cars and boats because of the fire risk and insurance required.

**Interested Parties:**

**Edgar Nichol**, 9521 E. 34<sup>th</sup> St., stated he came to get details on the application. After an explanation of the plans he had no objection.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow Use Unit 16, mini-storage, in a CS zoned district, with conditions: no outside or open-air storage visible at ground level from the RS-3 district or the street.

On **Amended Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow Use Unit 16, mini-storage, in a CS zoned district, per plan, with condition: no outside or open-air storage visible at ground level from the RS-3 district or the street, on the following described property:

A tract of land lying in the NE/4 of Section 24, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, and being more particularly described as follows, to-wit: Comm. at the NE/c of said NE/4, thence S 01°17'40" E along the E line of said NE/4 a distance of 1,058.31'; thence S 88°31'06" W and parallel with the N line of said NE/4 a distance of 50.00' to the POB; thence continuing S 88°31'06" W and parallel with the N line of said NE/4 a distance of 283.00'; thence S 01°17'40" E and parallel with the E line of said NE/4 a distance of 53.39'; thence along a curve to the left having a radius of 407.00', with a central angle of 12°16'66" and a chord bearing of S 07°28'08" E a distance of 87.25'; thence N 88°31'06" E and parallel with the N line of said NE/4 a distance of 273.68'; thence N 01°17'40" W and parallel with the E line of said NE/4 a distance of 140.00' to the POB.

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There being no further business, the meeting was adjourned at 2:47 p.m.

Date approved: \_\_\_\_\_

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Chair

